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November 21, 2019

Honorable Sandra J. Feuerstein  
United States District Court for the  
Eastern District of New York  
100 Federal Plaza  
Courtroom 1010  
Central Islip, NY 11722

VIA ECF

Re: *Matkal v. VG Rush/Priceless/Savewize* (2:18-02833-SJF-AKT)

Dear Judge Feuerstein:

We represent Defendant and Third-Party Plaintiff VG Rush Corp. ("VG Rush") in this action. We just received the Court's November 21, 2019 Minute Entry (Dkt. No. 65) dismissing this case.

We sincerely apologize for not appearing at the Status Conference that was set for yesterday, November 20, 2019. (See Dkt. Entry from Oct. 21, 2019.) Due to an inadvertent docketing error in our office, we had calendared the Status Conference for today, November 21<sup>st</sup> at 8:15 a.m., rather than the correct date of November 20<sup>th</sup>. Indeed, when today's Minute Entry came through on ECF, we were at the Courthouse waiting for Your Honor's Courtroom to open. We most certainly intended to appear at the Status Conference.

With apologies, we request that the Court vacate its dismissal of VG Rush's claims and set a new Status Conference on a date that is convenient for the Court. Dismissal is not an appropriate remedy for an inadvertent mis-calendaring error, and VG Rush should not have its claims dismissed based on this mistake.

Since we received the Court's Minute Entry today, we have tried to contact counsel for Priceless, but have not been able to reach him. If the Court grants the relief requested by VG Rush here, we will pay Priceless' costs for its appearance at yesterday's Status Conference.

Mauriel Kapouytian Woods LLP

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Respectfully Submitted,

/s/ Marc J. Pernick

Marc J. Pernick

cc. Counsel via ECF